

A stylized blue map of the state of Massachusetts serves as the background. Overlaid on the map are various white icons representing infrastructure: a city skyline with a wind turbine, a bridge, a bicycle, a lighthouse, and another wind turbine. The text 'MASSWORKS INFRASTRUCTURE PROGRAM' is centered over the map in a large, bold, black sans-serif font.

# **MASSWORKS INFRASTRUCTURE PROGRAM**

**2011 GRANT RECIPIENT HANDBOOK**

**MASSACHUSETTS  
WORKS**

Jobs for Today and Tomorrow

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\*\*The MassWorks Infrastructure Program Grant Recipient Handbook is intended to provide guidance regarding the MassWorks grant administration process. The Executive Office of Housing and Economic Development reserves the right to request additional information or amend the processes described in the handbook.

## **Contracts**

Contracts awarded under the MassWorks Infrastructure Program (MassWorks) are administered and executed by the Executive Office of Housing and Economic Development (EOHED). Each project will be assigned to a dedicated Project Manager who will serve as your point of contact throughout the life of your grant contract. By providing your EOHED Project Manager with the most accurate and up to date information, the contract between the MassWorks Grant Recipient and EOHED will be executed in a timely manner. The following is a breakdown of important components to the contract process.

### ***I. Eligible MassWorks Infrastructure Program Grant Recipients***

MassWorks Infrastructure Program contracts are executed between EOHED and a municipality or other public entity. Grant contracts and reimbursements cannot be made directly between the state and for-profit private parties.

### ***II. Contract Execution Timeline***

When possible, contracts should be executed after construction bids have been received. This process will allow the most accurate and up to date information to be included in the grant contract. MassWorks Grant Recipients should consult with their finance rules and regulations to determine if projects may be put out to bid prior to receiving a contract from EOHED. It is recommended that the bids include language indicating that award of a construction contract is contingent upon contract execution with EOHED. Please be advised that receipt of an award letter or this handbook does not act as a contract with the State for the grant award and no costs associated with the MassWorks Grant should be incurred until a contract has been executed.

If a contract is executed prior to construction bids being finalized (i.e. MassWorks funds being used to fund design), the MassWorks Grant Recipient must include best estimates in the contract. Once final construction bids have been received, the MassWorks Grant Recipient must provide EOHED with the bid summary sheets and identify the chosen contractor. After consultation with and approval by the Project Manager, the MassWorks contract will be amended to update the project cost, scope of work, milestones, and drawdown schedule, if the bid results alter any of those details.

### ***III. Contract Process***

- A. The MassWorks Grant Recipient is responsible for working with the assigned EOHED Project Manager and provide him or her with the project scope of work, milestones and drawdown schedule (See Attachment A – MassWorks Pre-Contract Form). All contracts must contain this important information.
- B. Once the contract is finalized it will be sent to the MassWorks Grant Recipient for approval and to be signed by an authorized signatory. The Grant Recipient is required to

return to the assigned EOHED Project Manager an original signed contract and an electronic copy of the signed contract.

- C. Upon EOHED's receipt of the original signed contract and the electronic copy from the Grant Recipient, the original contract will be reviewed for accuracy and executed by the Secretary of Housing and Economic Development.
- D. The Project Manager will return to the Grant Recipient an electronic copy of the executed contract once it has been finalized. The MassWorks-funded project and any spending associated with the project may begin once the contract has been fully executed.

IV. *Reimbursement Requirements*

EOHED cannot reimburse Grant Recipients for items or work completed prior to the contract start date or before a contract is fully executed. The EOHED Project Manager will notify Grant Recipients when a contract is fully executed and when the grant-funded project may commence.

V. *Public Procurement*

The MassWorks Grant Recipient is responsible for ensuring the grant-funded project is bid in accordance with all state procurement requirements under Massachusetts General Laws c.30B, c.30 §39M, c. 149, and c. 7, to the extent applicable. Please see:

<http://www.mass.gov/ig/igch30b.htm> for additional information on Massachusetts procurement requirements.

- A. MassWorks Grant Recipients should make note of Executive Office of Administration and Finance Administrative Bulletin #18, regarding the labor participation goals for women and minorities on state construction projects and state-assisted construction projects. The current goals are 10.4% Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) for construction and 17.9% MBE/WBE for design. These participation objectives are goals and are not quotas or set-asides, and are neither floors nor ceilings.
- B. Also please be advised that the Construction Reform Law (Chapter 193 of the Acts of 2004) includes a new municipal affirmative marketing program. This requirement is **not applicable** to the procurement of **site work (horizontal construction)** subject to MGL c.30 sec.39M or MGL c.30B. However, municipalities must incorporate MBE/WBE goals into both their design and construction procurement for municipal contracts for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or public work by any city or town that includes funding provided by the Commonwealth, in whole or in part.

VI. *Fiscal Year Requirements*

Multi-year grants are required to obligate funds by June 30<sup>th</sup> for funds allocated in that fiscal year by the contract drawdown schedule and submit all invoices by August 5<sup>th</sup>. Late invoices will not be accepted for payment.

VII. *Project Delays*

If the project encounters delays, the Grant Recipient should inform the assigned EOHED Project Manager as soon as delays are suspected or realized. All types of delays, including but not limited to those involving bid protests, utility relocation, weather, or permitting should be reported immediately. If a contract amendment is needed as a result of such delays, the Grant Recipient should submit a completed copy of the Contract Amendment Request Form (Attachment B) to the assigned Project Manager.

VIII. *Contract Amendments*

Grant Recipients should notify the assigned Project Manager of any of situation that would require a contract amendment, including potential or realized project delays or cost overruns, and the Project Manager will work with the Grant Recipient to determine if a contract amendment is required or feasible. See Attachment B for the Contract Amendment Request Form.

**Invoicing**

In order to expediently reimburse MassWorks Grant Recipients, it is important that municipalities or public entities abide by our invoicing guidelines. MassWorks invoices must be submitted in an orderly and timely manner.

I. *Monthly Invoicing*

Invoices are to be submitted on a monthly basis, no later than the 15<sup>th</sup> of each month for work completed or items purchased during the month prior.

II. *Eligible Costs*

MassWorks grants can only be used to pay for work completed and purchase orders placed. Invoices must reflect work and/or materials needed to accomplish the items listed in the scope of work in the MassWorks contract.

The following costs cannot be covered under MassWorks:

- A. Costs relating to work outside of the contract scope.
- B. Costs associated with standard municipal staff responsibilities or grant administration.
- C. Work completed prior to the contract start date.

III. *Reimbursement Process*

Contractors, developers, consultants and other private entities will not be directly reimbursed. It is the responsibility of the Grant Recipient to use the grant funds to pay these parties for work completed or purchase orders placed.

- A. The Monthly Invoice Form (Attachment C) must accompany each monthly invoice and be submitted to the assigned Project Manager at EOHED. By providing the information requested on Attachment C, reimbursements will be processed more efficiently.
- B. Correctly submitted, monthly invoices will be reimbursed by EOHED as soon as possible but not later than 30 days from the date the invoice was received by the Project Manager. While it is the preference of the Commonwealth to make payments on a reimbursement basis, if this presents a hardship to the Grant Recipient, payment may be requested of EOHED prior to disbursement of funds.
- C. In instances where Grant Recipients request payment prior to funds being disbursed by the grantee, documentation of payment by the grantee to its contractors must be submitted to the EOHED Project Manager within 60 days of receipt of funds from EOHED. Appropriate forms of verification of payment are copies of issued checks, or ledger statements from the grantees accounting system demonstrating payment, including payment numbers, amounts, vendor paid to and date the check/EFT was processed.
- D. Delayed invoicing is discouraged. Please work with your contractors at the start of the project to notify them of the invoicing policy and associated expectations. This will ensure that the MassWorks Grant Recipient and contractors are reimbursed in a timely fashion.

IV. *Invoice Dates vs. Dates of Service*

Invoices are reimbursed based on dates of service, not invoice billing dates.

- A. Dates of service (including start and end dates) must be clearly shown on all invoices submitted for payment. If this information is not provided, MassWorks will not release payment.

V. *Electronically Submitted Invoice Requirements*

The Monthly Invoice Form (Attachment C) must be submitted both electronically and in original copy. The original documents should be mailed directly to the assigned Project Manager at EOHED.

VI. *Retainage Policy*

MassWorks Grant Recipients will be reimbursed for 100% of the invoices submitted each month until 95% of the total project cost is paid. The remaining 5% will be withheld until the Grant

Recipient adequately demonstrates that the project has been fully completed. MassWorks will release the 5% retainage as soon as the Project Manager is satisfied that the project has been completed consistent with the terms of the MassWorks contract. Grant Recipients are responsible for managing any retainage withheld from their contractor(s) in accordance with state and municipal laws.

VII. *Proof of Project Completion*

Proof of project completion can be demonstrated using the Project Completion Certification Form (Attachment D). Grant Recipients are encouraged to provide photos of the completed project however this is not required.

VIII. *Fiscal Year Spending*

EOHED will not pay invoices submitted after August 5th for work completed in the prior fiscal year. In order to avoid forfeiting grant funds, Grant Recipients must be diligent in submitting invoices in a timely fashion and in cases where amendments are necessary, it the responsibility of the Grant Recipient to complete the amendment request process as outlined in on page 5, section VI.

### **Reporting Requirements**

EOHED is required by state law to collect and report data related to MassWorks awards. All Grant Recipients that receive a MassWorks award are required to submit quarterly reports.

I. *Quarterly Reports*

Quarterly reports aim to collect information related to the project status. It is important that the Grant Recipient use the quarterly reports to update the Project Manager of any project delays and any changes to the project using Attachment E. Grant Recipients are expected to submit timely and accurate quarterly reports to the assigned Project Manager at EOHED. If these reports are not submitted in a timely fashion, grant invoices will not be processed and payments will be delayed or discontinued.

II. *Additional Information*

The MassWorks Program reserves the right to request additional information about the public infrastructure project or associated private development project at any time. It is the responsibility of the Grant Recipient to maintain all relevant details about the details the project.



### **Monthly Project Manager Calls**

MassWorks Grant Recipients will be expected to participate in monthly update calls with their assigned Project Manager. The date and time of these calls should be chosen by the Grant Recipient at a convenient time. Communities are encouraged to include their contractor, consultant and private development partners in these calls to ensure all parties involved in the project are kept informed of all MassWorks related updates. Project Managers may request more frequent calls for complex projects or those experiencing delays or other challenges.

### **Events and Press**

EOHED Project Managers will be glad to partner with Grant Recipients that wish to highlight their work at an event or in a press release. Grant Recipients should notify their assigned Project Manager of this interest. Please see the attached Event Request Form (Attachment F) as a recommended template for these requests.

### **MassWorks Infrastructure Program Team**

Victoria Maguire, State Permit Ombudsman/Director	
Email: <a href="mailto:victoria.maguire@state.ma.us">victoria.maguire@state.ma.us</a>	Phone: 617-788-3649
Jay Lee, Program Manager	
Email: <a href="mailto:jay.lee@state.ma.us">jay.lee@state.ma.us</a>	Phone: 617-788-3653
Erica Kreuter, Assistant Project Manager	
Email: <a href="mailto:erica.kreuter@state.ma.us">erica.kreuter@state.ma.us</a>	Phone: 617-788-3631
Justin Sterritt, Assistant Project Manager	
Email: <a href="mailto:justin.sterritt@state.ma.us">justin.sterritt@state.ma.us</a>	Phone: 617-188-3601
For General Inquires: <a href="mailto:massworks@state.ma.us">massworks@state.ma.us</a>	

### **Mailing Address**

The MassWorks Infrastructure Program  
Executive Office of Housing and Economic Development  
One Ashburton Place, Suite 2101  
Boston, MA 02108



[www.mass.gov/infrastructure](http://www.mass.gov/infrastructure)

# MassWorks Infrastructure Program Pre-Contract Form

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**Public Entity: Project Name:**

**Project Contact:**

**Email:**

**Phone:**

**Municipal Address:**

**EOHED Project Manager:**

**Email:**

**Phone:**

**Total Contract Amount:**

**The contract for this project expires no later than:**

**Scope of Work – please provide a brief description of the project’s scope of work (no more than 5 lines):**

**Scope Funded by MassWorks:**

- [Description] – [Est. Cost]
- [Description] – [Est. Cost]
- [Description] – [Est. Cost]
- [Description] – [Est. Cost]
- [Description] – [Est. Cost]
- [Description] – [Est. Cost]
- [Description] – [Est. Cost]

**Milestones are as follows:**

- [MONTH/YEAR] – Design, engineering, survey complete
- [MONTH/YEAR] – Bid Advertised
- [MONTH/YEAR] – Bid opening
- [MONTH/YEAR] – Award contract
- [MONTH/YEAR] – Construction start date
- [MONTH/YEAR] – 25% complete

- [MONTH/YEAR] – 50% complete
- [MONTH/YEAR] – 75% complete
- [MONTH/YEAR] – 100% complete
- [MONTH/YEAR] – Contract Expiration Date

**Drawdown Schedule:**

*The drawdown schedule is a monthly breakdown of the project's future spending projections. Please speak with your contractor to have the most up-to-date and accurate information. EOHEd will be using the projection you provide to ensure that the project remains on time and on budget. Do not limit yourself to these rows if additional months are needed.*

<i>Month/Year</i>	<i>Invoice Amount</i>
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[MONTH/YEAR]	\$
[M/Y] Final Invoice	\$
TOTAL	\$
Retainage (5%)*	\$

*\*EOHEd will set aside 5% of the total grant award as retainage until the project (or the portion of the project completed with grant funds) is demonstrated to be complete. The 5% will be deducted from the final invoice and will be paid promptly upon demonstration that the project has been completed.*

**Monthly Call Time and Day:**

*Under the MassWorks Program, we request that you chose a day and time at the end of every month to update your project manager on the project's status. Communities are encouraged to include their contractor, consultant and private development partners in these calls.*

**Project Updates**

*An update on the project's current status, since application submission, is required. Please answer all applicable questions below.*

**Current Design Status:**

[Has the design received proper approval? If incomplete, please provide an expected date of completion.]

**Permitting:**

[Outstanding permits needed to complete project and expected date of completion.  
Please also include any permits received since application submission]

**Funding Sources:**

[If additional funding was requested please indicate current status of funding sources.  
– secured, pending, or denied]

**Utilities:**

[Does this project involve construction which will need to be approved of or  
completed by a utility company? If so, please detail the elements of the project  
which will need to be coordinated with the utility and the status of your  
conversations with the utility to prepare for this work]

**Additional Details:**

[If there are other issues or concerns that must be addressed before the project can  
begin, please outline those issues in this section]

**Private Project:**

[Update of current status of private development, investor, project start date,  
completion date, permitting status]

**Completed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

[www.mass.gov/infrastructure](http://www.mass.gov/infrastructure)

1. Letter which includes a formal request for a contract amendment and outlines the reasons why a contract amendment is needed.
2. Please attach this form to the formal amendment request letter and provide the information requested below.

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**Is the remaining grant contract funding enough to cover the costs of completing the project?**

**If no, please list all additional funding sources including any additional (current) requests for MassWorks Grant Program Funding in the space below:**

**Description of the scope of work to be completed with the remaining grant funds:**

**Revised Drawdown Schedule:**

<u>Month/Quarter</u>	<u>Invoice Amount</u>
▪ [MONTH/YEAR]	\$
▪ [MONTH/YEAR]	\$
▪ [MONTH/YEAR]	\$
▪ Total:	\$
▪ Retainage (5%)	\$

**Revised Milestones are as follows:**

- [MONTH/YEAR] – Design complete
- [MONTH/YEAR] – Bid opening
- [MONTH/YEAR] – Award contract
- [MONTH/YEAR] – Construction start date
- [MONTH/YEAR] – 25% complete
- [MONTH/YEAR] – 50% complete
- [MONTH/YEAR] – 75% complete
- [MONTH/YEAR] – 100% complete

**Completed by:** \_\_\_\_\_

**Date:** \_\_\_\_\_



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# MassWorks

## Infrastructure Program

### Monthly Invoice Form

This request for payment cover sheet should be filled out and submitted with the invoices for which you are requesting reimbursement. Request for reimbursement will not be processed without the request for payment cover sheet.

***To be completed by the Public Entity:***

Name of Public Entity \_\_\_\_\_ Date completed \_\_\_\_\_

Person preparing request \_\_\_\_\_

Total amount of invoices \_\_\_\_\_ Number of invoices attached \_\_\_\_\_

If payment already made, amount paid \_\_\_\_\_

The chart below should include overall project spending information.

	Amount This Invoice	Amount To Date (grant only)
Study Phase Funding		
Design & Engineering Funding		
Construction Funding		
Other (i.e. legal, permits etc)		

The chart on the following page is an interactive chart that can be clicked on in order to add the information requested.

Invoice Date	Payee	Invoice Amount	Dates Covered	Services
12/15/11	John Doe Company	10,000.50	11/1/11 to 12/10/11	Project Management
01/12/12	Walter & Ben	5,500.00	12/1/11 to 12/31/11	Legal Services
Total		15,500.50		

Briefly describe work completed in regards to the attached invoices.  
 (Note: To prevent delay, reference Exhibit 1 when describing the completed work)

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Have scheduled milestones passed since the last request for payment?  
 No (skip bullet questions below)      Yes (proceed to bullet questions below)

- Have milestone(s) been met? \_\_\_\_\_
- If no, attach a description of how and why the timeline has changed.
- If no, attach a description of what is being done to get back on track with the timeline.

☐ **Check this box if this is the final payment request. The Public Entity is acknowledging that there will be no additional requests for payment. This final request for payment will close out the grant contract and release any retainage withheld.**

Please attach a separate sheet listing any additional issues or concerns the Executive Office of Housing and Economic Development should be made aware of in regards to said infrastructure project.



By signing below, I \_\_\_\_\_ certify that the expenditures enumerated by this request are in accordance with the Agreement, and the funds disbursed by the MassWorks Infrastructure Program shall only be used to pay for the invoices and contractors submitted.

---

Signature of person preparing request

Date



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# MassWorks Infrastructure Program

## Certification of Substantial Completion

<b>Contractor</b>	_____	<b>Municipality</b>	_____
	_____		_____
	_____		_____
Phone	_____	Phone	_____
Fax	_____	Fax	_____
Project No:	_____	Grant No:	_____
Contract for:	_____		

Pursuant to the General and Special Conditions of the Contract Documents, you are hereby notified that the Municipality has satisfied itself that all work funded by the MassWorks Infrastructure Program Grant (and agreed upon under the "scope of work" as outlined in the MassWorks Contract) for the above mentioned project has been fully and successfully

The Municipality, through its undersigned representative hereby accepts from the Contractor, subject to contract stipulations, said portion(s) of the Project, effective 12:00 Noon on:

**INSERT DATE**          the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

The Contractor will be relieved of responsibility for performing further Work or supplying further materials, equipment, or other items, in accordance with the General and Special Conditions of the Contract Documents, except for the following work:

*Append a complete list of all incomplete and/or unsatisfactory items of the Work, which in the opinion of this Municipality, are attributable to the fault, negligence, or oversight of the Contractor, any subcontractors, material suppliers, agents, servants, or employees.*

**NOTE: Attach one copy of the "Punch List" Items to each copy of this document.**

**Approved: Contract Officer**

Municipality: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Accepted: Contractor**

Firm: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Reviewed: Project Manager**

**Executive Office of Housing & Economic Development**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Approved: Director, Mass Permit Regulatory Office**

**Executive Office of Housing & Economic Development**

By: \_\_\_\_\_

Date: \_\_\_\_\_



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# MassWorks Infrastructure Program Quarterly Report

Name of Public Entity: \_\_\_\_\_

Please note quarter being reported: Jul-Sept, Oct-Dec, Jan-Mar, or Apr-Jun    Year: \_\_\_\_\_

## Public Infrastructure Project

Date design began or is planned to begin? \_\_\_\_\_

Date project went out to bid or is planned to go out to bid? \_\_\_\_\_

Date construction began or is planned to begin? \_\_\_\_\_

Date project will be complete? \_\_\_\_\_

Is the MassWorks funded portion of the project on time based on the current contract end date? If no, why and how do you plan to get back on track? If an amendment is required when do you plan to submit one? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Is the public entity's entire project on budget? If not, why and how to you plan to fund the gap? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

How many construction jobs have been created to date? \_\_\_\_\_

## Economic Development Project

Construction start date? \_\_\_\_\_

Has the economic development project been delayed? If yes, please explain why. \_\_\_\_\_

\_\_\_\_\_

How many construction jobs have been created to date (do not list construction jobs included in public infrastructure number above)? \_\_\_\_\_

How many units of housing have been created to date?

New affordable units (under 80% ami):

New market rate units:

How many FTE jobs have been created to date? \_\_\_\_\_

Please provide any other information and/or attachments you feel are pertinent to your report.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE:** Please contact our office prior to scheduling any type of event associated with the work done under and/or spurred by the MassWorks Infrastructure grant.

If you have any questions, please feel free to call Victoria Maguire at 617-788-3649 or email her at [victoria.maguire@state.ma.us](mailto:victoria.maguire@state.ma.us).



# MassWorks Infrastructure Program Event Request Form

[www.mass.gov/infrastructure](http://www.mass.gov/infrastructure)

Thank you for your interest in holding a MassWorks Infrastructure Program Event. Please complete your request by filling out the form below and submitting it via, email, or fax.

**Email**

[MassWorks@state.ma.us](mailto:MassWorks@state.ma.us)

**Fax**

(617) 788 - 3605

Please note that the Executive Office of Housing and Economic Development schedule is subject to change at any time based on the current state needs and responsibilities of Massachusetts. We appreciate your understanding and apologize in advance for any inconvenience.

Event:

Event date:

Location:

Time(s) of event(s):

Sponsoring organization/company:

Purpose of event:

Intended role for the EOHED Representative (i.e. speaker, participant, attendee, etc.):

Type of event:

Number of people attending/invited:

Is the event open to the press?

Event contact person:

Work/home phone:

Cell phone:

E-mail address:

Other information:

Please include additional information as attachments to this form. Additional information may include the formal invitation, a detailed agenda, flyers, background information, or any other information pertinent to the event.

*If you have any questions, please contact the MassWorks Office at 617-788-3649  
or email us at [MassWorks@state.ma.us](mailto:MassWorks@state.ma.us)*